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EXAMINER

NGUYEN, PHUNG

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 15

Application Number: 09/590,922  
Filing Date: June 09, 2000  
Appellant(s): SHAFIYAN-RAD ET AL.

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Himanshu S. Amin  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/19/02.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

The rejection of claims 1, 2, 10, 11, 19, and 20 stand or fall together; claims 3 and 12 stand or fall together; claims 4, 5, 13, and 14 stand or fall together; and claim 21 stand or fall alone because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

4,082,934	Piber	06/76
3,711,669	Keranen	01/72
Des. 391,182	Schneider et al.	02/97

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims as set forth in prior Office Action, Paper No. 12.

The rejection is hereby reproduced for convenience.

1. Claims 1, 2, 4, 5, 10, 11, 13, 14, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Piber [U.S. Pat. 4,082,934]

**Regarding claim 1:** Piber discloses a switch with illuminated handle tip comprising a housing 32 (figure 2, col. 3, lines 14-24) having a first side extending generally between second and third sides as shown in figure 4; and at least one elongated strip 34 (figures 2, 4 and 5, col. 3, lines 25-60) extending through the first side and at least one of the second and third sides so that part of the strip is visible at the first side and the at least one of the second and third sides.

**Regarding claim 2:** Piber discloses the claimed the light source operatively associated with the at least one elongated strip so that light from the light source illuminates the at least one elongated strip which is met by the lamp 18 (figure 2, col. 3, lines 42-45).

**Regarding claim 4:** Piber teaches the at least one elongated strip extends completely through the housing from the second side through to the third side and is exposed at the first side, whereby the at least one elongated strip is visible along the first side, the second side, and the third side is met by the insert 34 (figure 5, col. 3, lines 25-42).

**Regarding claim 5:** Piber discloses the second and third sides are opposed sides of the insert 34 (figure 5, col. 4, lines 9-21).

**Regarding claim 10:** Piber discloses the claimed the at least one elongated strip has an outer that substantially conforms to the contour of an adjacent outer sidewall portion of the housing as shown in figure 4.

**Regarding claim 11:** All the claimed subject matter is discussed in respect to claims 1 and 2 above.

**Regarding claim 13:** Refer to claim 4 above.

**Regarding claim 14:** Refer to claim 5 above.

**Regarding claim 19:** Refer to claim 10 above.

**Regarding claim 20:** Piber discloses the insert 34 having an outer sidewall portion; illumination means for emitting light when activated is met by the lamp 18; and the housing means for transmitting emitted light from the illumination means so as to be visible from a plurality of sides of the outer sidewall portion of the housing which is met by the inset 34 (figures 2, 4, and 5, col. 3, lines 25-60, and col. 4, lines 9-17).

2. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piber in view of Keranen [U.S. Pat. 3,711,669].

**Regarding claim 3:** Piber teaches that light rays emanating from lamp 18 and entering the insert 34 (figure 2, col. 3, lines 42-49). But Piber does not show the light source having an illuminated condition and nonilluminated condition, each condition being indicative of an operating condition of the indicator. However, Keranen discloses a switch having a shock-proof lighted toggle switch comprising a switch having a lamp inside its toggle lever to serve as an indicator of the operating condition, see abstract. Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Keranen in the invention of Piber so that an individual may monitor the operating condition of the device because an incandescent lamp bulb provides much greater illumination to enable the device to be seen from far.

**Regarding claim 12:** Refer to claim 3 above.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Piber in view of Schneider et al. [U.S. Pat. Des. 391,182].

**Regarding claim 21:** Piber discloses all the claimed subject matter discussed in respect to claims 1 and 2 above. Piber does not disclose a proximity sensor as claimed. However, Schneider et al. teach desirability of using an indicator light for indicating condition of a proximity detector in order to show that an object has been detected. Since Piber teaches the known concept of using an indicator (34) to indicate condition of a switch detector, it would have been obvious to the skilled artisan to combine the teachings of Piber and Schneider et al. so that an indicator with structure of Piber could have indicated proximity status in order to allow a proximity detection to have been indicated using less dazzling light that would have been more particularly directed to a specific area of concern.

**(11) Response to Argument**

Applicant's argument:

a. Applicant argues that Piber does not teach at least one elongated strip of substantially translucent material extending through the first side and at least one of second and third sides so that part of the strip is visible at the first side and the at least one of the second and third sides through which the strip extends.

b. Applicant argues that the Piber patent and the Schneider patent cannot be combined to make claim 21 obvious because there is not proper motivation to combine the teaching of Piber with the teaching of Schneider.

Response to argument:

a. Examiner respectfully disagrees with the applicant's argument because Piber teaches at least one elongated strip of substantially translucent material 34c extending through the first side and at least one of the second and third side so that part of the strip is visible at the first side (figure 4, col. 3, lines 61-62). Further, Piber teaches the second side 34e is also visible as shown in figure 4, col. 4, lines 9-14. It's believed that the limitations of claims are still met and therefore, the rejections are still remained.

b. Piber does not disclose a proximity sensor as claimed. However, Schneider et al. teach desirability of using an indicator light for indicating condition of a proximity detector in order to show that an object has been detected. Since Piber teaches the known concept of using an indicator (34) to indicate condition of a switch detector, it would have been obvious to the skilled artisan to combine the teachings of Piber and Schneider et al. so that an indicator with structure of Piber could have indicated proximity status in order to allow a proximity detection to have been indicated using less dazzling light that would have been more particularly directed to a specific area of concern.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2632


Respectfully submitted,

Phung T Nguyen  
Examiner  
Art Unit 2632

December 11, 2002

Conferee

Conferee



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